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Paper No.

Mark K. Johnson  
P. O. Box 510644  
New Berlin, WI 53151-0644

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JUN 24 2004

**OFFICE OF PETITIONS**

In re Application of	:	
Jon A. Wolff, et al.	:	
Application No. 10/004,763	:	
Filed: December 5, 2001	:	ON PETITION
Attorney Docket No. MIRUS.003.06.2	:	

This is a decision on the petition filed May 6, 2004, under 37 CFR 1.137(a), which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

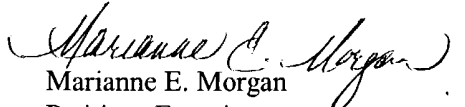
The petition is **GRANTED**.

A non-final Office action was mailed to applicant on September 9, 2003, setting a three-month shortened statutory period within which to submit a reply. Since no reply was received and no extensions of time under the provisions of 37 CFR 1.136 were obtained, the application became abandoned on December 10, 2003.

Petitioner alleges that a reply was timely filed via facsimile transmission on December 8, 2003. In support, petitioner provides a copy of the amendment along with a transmission report showing that the amendment was in fact received in the USPTO on December 8, 2003. In view thereof, the application was improperly held abandoned. Accordingly, the petition fee of \$55 is unnecessary and a refund of such may be requested by writing to the Office of Finance, Refund Section. A copy of this decision should accompany such a request.

The application file is being forwarded to Technology Center 1600.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

  
Marianne E. Morgan  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Examination Policy